

File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

5 Post Office Square, Suite 100  
BOSTON, MASSACHUSETTS 02109-3912

FEB 0 5 2014

Mr. Dana Banks  
Pan Am Railways, Inc.  
Boston and Maine Corporation,  
Maine Central Railroad Co.  
Springfield Terminal Railroad Co.  
1700 Iron Horse Park  
North Billerica, MA 01862

Certified Mail  
Return Receipt Requested

RE: Request for Information; Extension Request  
Docket No. 14-308-01

Dear Mr. Banks:

The United States Environmental Protection Agency ("EPA") sent an Information Request letter to Pan Am Railways Inc. ("Pan Am") regarding Clean Water Act compliance at several facilities which the company received on January 9, 2014. A response was due within 30 days from receipt of the letter.

EPA has received a letter dated January 30, 2014 requesting a 90-day extension to respond to the letter to ensure a thorough response is provided.

While EPA is willing to provide some additional time to fully respond to the Information Request letter, we do not believe a total of 120 days is necessary. However, EPA grants Pan Am until **March 31, 2014** to provide a complete response to the Information Request.

If you have any technical questions related to the Information Request please contact Alex Rosenberg, at 617-918-1709 or legal questions may be referred to Jeffrey Kopf, Senior Enforcement Counsel, at 617-918-1796.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denny Dart", is written over the typed name.

Denny Dart, Manager  
Water Technical Unit  
Office of Environmental Stewardship

cc: David Fink, President, Pan Am Railways, Inc.  
John Drobinski, P.G., LSP, Environmental Resources Management  
Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1  
Alex Rosenberg, Enforcement Officer, EPA Region 1  
Josie McKnight, Maine DEP





United States Environmental Protection Agency  
Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

file

**CERTIFIED MAIL  
RETURN RECEIPT REQUIRED**

**JAN - 8 2013**

Mr. David Fink, President  
Pan Am Railways, Inc.  
Boston and Maine Corporation,  
Maine Central Railroad Co.  
Springfield Terminal Railroad Co.  
1700 Iron Horse Park  
North Billerica, MA 01862

Request for Information Pursuant to Sections 308(a) and 311(m) of the Clean Water Act 33 U.S.C.  
§§ 1318 and 1321; Docket No. 14-308-01

Dear Mr. Fink:

On May 14, 2013 the U.S. Environmental Protection Agency, Region I (the "Region") sent Pan Am Railways, Inc., Boston and Maine Corporation, Maine Central Railroad Co., Springfield Terminal Railroad Co. (hereafter referred to as "Pan Am") an information request letter ("Information Request" Docket 13-308-14) in reference to the March 26, 2013 EPA inspection at the Pan Am facility located at 55 College Avenue, Waterville ME (hereafter referred to as the "Springfield facility" or "College Yard" or the "Waterville site or facility"). Pan Am submitted responses to the letter on July 17, 2013 and August 19, 2013.

On September 20, 2013, the Region inspected the Pan Am facility located at 20 Rigby Yard, South Portland ME (hereafter referred to as the "Rigby Yard" or the "South Portland site or facility"). On September 24, 2013, staff from the Region inspected the Pan Am facility located at 38 Railroad Yard Road, East Deerfield MA (hereafter referred to as the "Railroad Yard" or the "East Deerfield site or facility"). On December 10, 2013 PanAm sent a response to the deficiencies noted in the SPCC Facility Information Form for the East Deerfield site. On December 12, 2013, the Region conducted a second inspection at the Waterville site.

During the inspection of these facilities, the inspector observed, among other things, oil filled containers lacking secondary containment, deficient stormwater Best Management Practices ("BMPs") and poor maintenance and record keeping practices.



Sections 308(a) and 311(m) of the Act, 33 U.S.C. §§ 1318(a) and 1321(m) authorize the United States Environmental Protection Agency ("EPA") to require any person to provide information needed to determine whether there has been a violation of the Clean Water Act (the "Act"). Accordingly, Pan Am is hereby required, pursuant to Sections 308(a) and 311(m) of the Act, 33 U.S.C. §§ 1318(a) and 1321(m), to respond to follow-up questions, related to the Facility's compliance with the Act. You must provide a response to the questions included in Attachments No. 2-A through No. 2-E of this Request for Information (the "Request") **within thirty (30) calendar days of your receipt of this Request.**

Please carefully read the instructions in Attachment No. 1 before preparing your response. Answer each question as clearly and completely as possible. Please respond separately to each of the questions, referencing each question by number. Your response must include copies of all records and information referenced in the response. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.

Your response to this Request must also be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. A Statement of Certification is included as Attachment No. 3 to this letter.

Information submitted pursuant to this Request shall be sent by certified mail and shall be addressed as follows:

[specific to all facilities]

United States Environmental Protection Agency  
New England Region  
Office of Environmental Stewardship  
5 Post Office Square  
Boston, MA 02109-3912  
Attention: Alex Rosenberg (OES04-4)

and

[specific to the South Portland and Waterville facilities only]

Maine Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017  
Attention: Josie McKnight

and



[specific to East Deerfield facility only]

Massachusetts Department of Environmental Protection  
436 Dwight Street  
Springfield, MA 01103  
Attention: Saadi Motamedi, Compliance & Enforcement Section Chief

Compliance with this Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, may result in an enforcement action by EPA pursuant to Section 309 of the Act, 33 U.S.C. § 1319. This statute permits EPA to seek the imposition of penalties. Any person who knowingly submits false information may be subject to criminal prosecution under 18 U.S.C. § 1001. EPA reserves its right to take further enforcement action pursuant to the Act, and other applicable laws, including the right to seek penalties, for any violations detected at the above-referenced inspections.

Based upon a review of the each of the three facility's Storm Water Pollution Prevention Plans ("SWPPP") and its Spill Prevention Control and Countermeasure ("SPCC") plans, the Region has determined that the facilities' SPCC Plans and SWPPPs do not contain all the applicable requirements of the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112, the Maine's Stormwater Multi-Sector General Permit for Stormwater Associated with Industrial Activities, or the federal Storm Water Multi-Sector General Permit for Industrial Activities.

Pan Am may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to Pan Am.

If you have technical questions regarding this Request, please contact Alex Rosenberg at 617-918-1709. Please refer any legal questions to Jeffrey Kopf, Senior Enforcement Counsel, at 617-918-1796.

Sincerely,



James Chow, Manager  
Technical Enforcement Office  
Office of Environmental Stewardship



cc: Corporate Service Company, 84 State St., Boston, MA 02109  
Alex Rosenberg, Enforcement Officer, EPA Region 1  
Ted Bzenas, On-Scene Coordinator, EPA Region 1  
Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1  
Aaron Dumont, MEDEP  
Alison Moody, MEDEP  
Josie McKnight, MEDEP  
Butch Bowie, MEDEP  
Beth DeHaas, MEDEP  
Saadi Motamedi, MASSDEP

Attachments



## **Attachment No. 1**

### **Information Request Instructions**

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Request. Precede each answer with the text and the number of the question and the subpart to which the answer corresponds. All submitted documents must contain a notation indicating the question and subpart of the question to which they are responsive.
2. If any question cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, please explain.
3. If information or documents not known or not available to Pan Am as of the date of the submission of its response to this Request should later become known, or available to Pan Am, Pan Am must supplement its response. Moreover, should Pan Am find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Pan Am must notify the EPA and either the Maine Department of Environmental Protection ("MEDEP") or the Massachusetts Department of Environmental Protection ("MASSDEP") of this fact as soon as possible and provide a corrected response.



## Attachment No. 2-A

### Respond to the Following Questions:

#### General Environmental Compliance

1. The corporate and environmental management structure of Pan Am provided in the August 19, 2013 submittal (response to Question 4 of the May 14, 2013 Information Request) did not clearly indicate who was responsible for environmental management at the South Portland or the East Deerfield facilities. Please identify who has responsibility for environmental compliance at each of these facilities.
2. Part IV. of the October 13, 2013 letter from Pan Am states that it has recently lost the services of the Environmental Eastern District Manager. A revised SPCC plan for the East Deerfield Facility signed on December 12, 2013 lists the Environmental District Manager as the responsible party for implementation of the SPCC plan. Provide a list of responsibilities of the Environmental Eastern District Manager position. Explain who is currently implementing those responsibilities.
3. Explain when Pan Am expects to fill the Environmental Eastern District Manager position.
4. The Systems Map and Facilities List submitted in response to Question 6 of the May 14, 2013 Information Request requires some additional information or clarification. Explain why there is no marking on the map for any type of facility (i.e. intermodal and/or automotive) in East Deerfield. List what specific industrial activities<sup>1</sup> occur at all of the intermodal, transfer and automotive facilities including but not limited to current and anticipated activities in Ayer, MA, Shelburne Falls, MA, Fitchburg, MA, N. Adams, MA, Lawrence, MA, Plainville, CT, Mechanicsville, NY, and Presque Isle, ME.
5. It was communicated during the September 23, 2013 inspection at the East Deerfield facility that a new oil storage facility was being constructed at the Mechanicsville, NY facility. Provide the date when the facility began to have the ability to store over 1,320 gallons of fuel, the total oil storage capacity applicable to SPCC regulations, and the date the facility's SPCC plan is or plans to be certified and fully implemented.

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<sup>1</sup> For the purpose of this letter, an "industrial activity" includes, but is not limited to pressure washing, outdoor manufacturing or processing activities (e.g., welding, metal fabricating, scrapping, repairs and maintenance), painting, solvent mixing, loading or unloading, storage or disposal of wastes; liquid storage tanks (including oil storage); liquid storage areas (e.g., paint, solvents, resins), material storage areas (e.g., blasting media, aluminum, steel, scrap iron), locomotive, vehicle and equipment repair/ servicing, washing, cleaning and maintenance, and, fuel-oil loading and unloading, etc.



## Attachment No. 2-B

### Questions relating to the facility located at 55 College Avenue, Waterville, ME ("Facility")

#### Stormwater

1. The Amendments document submitted in response to Question 9 of the May 14, 2013 Information Request did not provide dates, costs or a description of the effectiveness of changes made to the SWPPP. Re-submit a complete answer to this question. Include a timeline of discharges, inspection results, modifications and assertions made about the Amendment's effectiveness for things such as BMP modifications. In the "Additional Comments" section of the MEDEP's April 24, 2012 inspection report, comments were made about the diversion or weir structure that divides stormwater from oily water in the underground piping conveyance before the wastewater treatment plant. A handwritten note made by facility personnel on the report (see Appendix J of the SWPPP) states, "Manhole – need to inv. & repipe stormwater." Please address what actions have been taken to address these concerns in your resubmission of a complete response to Question 9 of the May 14, 2013 Information Request.
2. Describe what the "isolation baffle" is through which oil was discharged in July 2008. Explain if stormwater is still able to flow through the baffle within the turn table and to the Kennebec River, and if on-going turn table modifications will change or eliminate this flow path.
3. Submit lab analyses for Oil and Grease ("O&G") for the discharge from stormwater at all outfalls listed in the SWPPP on a quarterly basis (i.e., by March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup>, and December 31<sup>st</sup>) following receipt of this letter.
4. Pan Am indicated in its narrative response to Question 8.f.ii. of the May 14, 2013 Information Request which asked for a site-plan including all sub-surface conveyance structures, that delineation of stormwater drain lines is slated for completion after a series of other environmental compliance projects such as the construction of secondary containment for rail cars and replacement of the turn table. Provide project updates and anticipated dates of completion for the containment and turn table projects. Also provide a planned implementation schedule for mapping the sub-surface stormwater and wastewater conveyances at the facility.
5. Note that boiler blow-down is not listed among "Allowable Non-Stormwater Discharge(s)" in Section I.D. of the ME Multi-Sector General Permit ("ME MSGP"), and is therefore prohibited. All boiler blow-down must therefore be disposed of at an alternative location to the stormwater catchment system. Submit a plan and schedule of implementation to remove the discharge of boiler blow-down from the stormwater conveyance system and to route it to either the municipal sewer system or some other treatment process.



6. Section 3.2.1 (Potential Pollution Sources: Locomotive, Freight Car, and Equipment Maintenance Areas) of the SWPPP indicate that a manual drain valve will be used in the Engine house to prevent oil from discharging into the stormwater conveyance system in the event of a "significant release." Provide a photograph of this valve and describe any operating procedures for implementing this active containment measure.

### **Spill Prevention Control and Countermeasure ("SPCC") Plan**

7. In response to Question 14.a. of the May 14, 2013 Information Request, Appendix E of the SPCC Plan as submitted, contains the SPCC Inspection Guidelines that Pan Am has defined for tank inspections. The guidelines state that "[a]ll oil storage tanks and containers at the facility must be visually inspected on a monthly, quarterly and annual basis...." Tank #s 4a, 4b, 13a, and 13b were inspected regularly. Tank #s 3a, 3c, 5, 6, 8, 11, 16 and 17 were inspected once or twice. Tank #s 7, 9, 10, 12, 14, 15, 18 and 19 do not appear to have been inspected at all in the past 12 months based on submitted documentation. Please explain these discrepancies in the inspection schedule and/or documentation.
8. The tank list provided in response to question 14.c. of the May 14, 2013 Information Request lacks tank identifiers, a way to correlate tanks with field locations on a map, or information on tank age and method of construction. Update the list to include this additional information and submit the updated list. Be sure to include the "hump tank" used for oil storage that is parked next to the oil water separators.
9. Recommendations made on August 31, 2009 by the SPCC plan's certifying engineer state (on page 280 of SPCC.pdf) that the 2,000 gallon waste oil tank located in a concrete shed with roof does not have sufficient storage capacity. Hand written notes by the facility state that "conduit is located so that spill protection flows to the interior of the engine house." Item #2 of the SPCC Plan's Amendments document reiterates this fact by stating that a visual inspection beneath the 2,000 gallon tank "revealed" a drain that is connected to the interior service pits. Provide a photograph of the inlet and outlet of this conduit and make necessary updates to the SPCC plan and SWPPP to indicate the type of containment for this tank.
10. The Oil Water Separator ("OWS") as described by the Enhanced Gravity Separator Service Manual has insufficient capacity to contain the quantity of oil held by the largest bulk Above-ground Storage Tank ("AST") that drains to it. Provide plans and a schedule of implementation to either construct sized secondary containment for all ASTs larger than the capacity of the OWS within the catchment area of the OWS or install a larger OWS.
11. The OWS inspection report provided by CorrTech from a November 3, 2011 inspection indicated that OWS tank testing requires isolation of all inputs to the OWS and that this was unable to be performed due to the large number of pipes and manholes. The report also recommended that a tank integrity test of the OWS itself be performed during the next scheduled cleaning. Provide a schedule for when integrity



testing of all underground pipe conveyances and the OWS will be performed. Integrity testing of the OWS tank and inspection of all conveyances must be completed in order to use the system as a means of secondary containment.

12. Section IV - Operator Duties in the Operation and Maintenance Manual for the Wastewater Treatment Facility states that, "the operator checks the OWS levels and storage tank levels... [and] the data is entered on the Daily Oil Collection Chart for Separators No.1 and No. 2 form...." Pan Am, however, was unable to estimate the amount of oil collected by the OWSs. Explain why this data has not been collected and if standard procedures have changed, send a copy of the updated protocols.
13. The Operation and Maintenance Manual for the Wastewater Treatment Plant ("O&M Manual"), that was referenced in response to Question 14.c.v. of the May 14, 2013 Information Request, did not provide a description of the operation and capabilities of either OWS during high precipitation events. Update the manual to include this information and re-submit.
14. The August 13, 1992 piping diagram from the O&M Manual depicts a 10 inch gravity stormwater oil/water separator water line flowing from manhole 3A to manhole 4A and then through what is labeled as a "New Weir Chamber" before reaching the pump station and OWS. Explain the function of this weir and whether there is the potential for flow at this weir structure to bypass treatment at the WWTP and discharge directly into the Kennebec River.
15. The tank inspection conducted by CorrTech on November 1, 2011 for the 20,000 gallon *hump tank* determined that the steel tank is single-walled, lacks secondary containment, lacks a leak detection system, and had no braces from preventing it from rolling off the tracks in either direction. Provide a schedule for bringing this tank into compliance with all necessary SPCC requirements.
16. In response to Question 14.c.iii. of the May 14, 2013 Information Request that asked for specifications, technical drawings and conveyances for the secondary containment at the locomotive fueling rack, oil drip pan collection system at the fueling rack and conveyances from the fueling rack to the OWS, Pan Am referenced the Enhanced Gravity Separator Service Manual. The manual does not contain any of the requested information. Provide such information.
17. During the December 12, 2013 inspection the floor of the shed which houses the access points to the northern most OWS was heavily stained with oil. The floor was observed to be constructed out of permeable material, crushed stone atop dirt. Provide evidence that these spills have been cleaned up and explain what practices will be implemented in the future to prevent further spills in this area.
18. The Notice of Violation ("NOV") issued to the Facility by the MEDEP on October 23, 2013 (NOV-2013-0186-O) required that the Facility submit documentation of actions taken to investigate the causes and implement corrective actions to prevent prohibited discharges of oil from recurring from Tank #7, and to submit documentation of actions



taken to remove oil and/or oil contaminated soils from the releases that occurred from Tank #7. During the December 12, 2013 inspection, oil staining was still present outside on the ground at both the south and north ends of Tank #7's storage bunker. Facility personnel responsible for oil clean-up appeared to be unaware of the requirements outlined in the NOV. Submit copies of all required documentation requested as part of the NOV. Provide copies of all internal and external correspondence regarding this NOV including emails, phone logs, and meeting minutes. If no documentation is available, provide a description of the correspondence in list format including the name and position of each individual involved.

19. Identify the location of the recently added spill kits on the Facility map.
20. The schedule provided by Pan Am in response to the May 14, 2013 Information Request is not adequate. Provide detailed implementation schedules and milestones, with proposed dates of completion, for addressing the deficiencies identified in the SPCC Inspection Report Checklist, for submitting a new draft SPCC plan to EPA, and for completion of all construction and infrastructure investigations necessary to come into compliance with the Oil Pollution Prevention regulations.



**Attachment No. 2-C**  
**Questions relating to the facility located at**  
**38 Railroad Yard Rd., East Deerfield, MA ("Facility")**

**General Business**

1. Name the businesses that have had day to day operational control over the East Deerfield facility from January 1, 2009 to the present
2. Specify who owns or has owned the East Deerfield facility from January 1, 2009 to the present. If any transfer of ownership has occurred, specify the owner(s) prior to and following the transfer, and the dates of transfer.
3. Specify the primary and secondary standard industrial classification ("SIC") codes for the East Deerfield facility.
4. Section 5.2 of Pan Am's Emergency Management Plan states that an annual environmental audit is conducted at all of the Massachusetts facilities by an external auditor. Submit a copy of the 2012 audit report for the East Deerfield facility as well as for the facility located at Iron Horse Park in North Billerica, MA.
5. Provide copies of all documents and communications with EPA and or MassDEP related to the 2007 consent agreement with respect to environmental compliance at the Facility.
6. During operation of the asphalt plant at the southern end of the Facility property, explain which entity (tenant or land owner) has been in charge of environmental compliance since January 1, 2009.
  - a. Provide the date the asphalt plant began operations;
  - b. Provide the full legal business name for the entity which operated the asphalt plant;
  - c. Provide a copy of the lease between Pan Am and the operator of the asphalt plant, or provide a narrative description of the lease agreement;
  - d. Provide the dates on which the tenant ceased operations and physically abandoned the property. If there are currently legal proceedings against the tenant, please explain;
  - e. After the tenant abandoned the site, describe what steps were taken by Pan Am to discover the leaking oil tanks and on what date they were discovered; and
  - f. Provide the schedule including dates for the commencement and termination of site remediation work due to oil spills and asbestos from the asphalt plant operations as required as part of the Notice of Responsibility from the MassDEP.



## Wastewater

7. Submit results of quarterly chronic Whole Effluent Toxicity ("WET") testing from 2012 and 2013.

## Stormwater

8. Provide a copy of the Facility's Stormwater Pollution Prevention Plan ("SWPPP") including all required Source Identification Reduction Plans for bacteria, TSS, copper, zinc, lead and mercury required by the March 26, 2013 NPDES Permit. State when the original SWPPP was prepared and the dates of all revisions to the SWPPP.
  - a. Provide from January 1, 2009 to the present, the name(s) of each person responsible for the implementation of the SWPPP. This includes, but is not limited to, personnel responsible for conducting storm water inspections, monitoring, maintaining of Best Management Practices ("BMPs"), recordkeeping and updating of the SWPPP. For each person listed, please also provide the person's title and responsibilities, period of employment, and whether the individual is/was an employee or contractor;
  - b. Provide a chronological listing of all stormwater inspections and monitoring since January 1, 2009. Submit copies of all reports and findings from these activities, including but not limited to:
    - i. Dry and wet weather quarterly outfall monitoring for BTEX, benzene, toluene, ethyl benzene, xylenes, cyanide and Total Suspended Solids ("TSS"); and
    - ii. Dry weather monthly sampling for outfalls 001, 002, 003, 005, and 006 for Flow Rate, Oil & Grease, and TSS.
  - c. The Facility's Checklist for Quarterly Inspections for Stormwater Pollution Prevention requires checking the condition of piping and piping supports. Describe what piping is inspected, what is done to inspect the piping, and what guidance is used by the inspector to draw a conclusion about the condition of the piping.
  - d. Provide all employee stormwater training records and the agenda for the stormwater pollution prevention training from January 1, 2009 to the present. If copies of these records do not exist that include individual attendee signatures and dates, explain why, and submit a new training sign-in form to be used by the Facility in the future;
  - e. For each stormwater discharge from the facility to a stormwater catchbasin, surface water or wetland, provide a site plan and a narrative description including any diversion or control structures in place to reduce the stormwater pollutant load;



- f. Provide an updated site plan that includes: property boundaries; fueling stations; vehicle and equipment maintenance areas; vehicle, equipment and material storage areas; fuel transfer areas; areas where treatment, storage or disposal of wastes occur; vehicle washing areas and liquid storage tanks.
  - i. The site plan should include all sub-surface wastewater and stormwater conveyance structures and their interconnections and flow direction. During the September 23, 2013 EPA inspection, it was communicated that the Facility did not understand all connectivity of the facility's underground conveyance structures. In a letter dated October 13, 2013, Pan Am states in Part IV that Pan Am anticipates the investigation of the piping will be initiated in the spring of 2014. Provide an implementation plan and schedule for completing these investigations.
  - ii. The site plan should include any diversion or control structures in place to reduce the stormwater pollutant discharge to surface waters. During the September 23, 2013 inspection, major stormwater erosion control problems were observed within the parking and material lay-down area north of Railroad Avenue between the Tank Farm and the Engine House. Describe the steps the facility has completed or plans to complete to remediate the discharge of sediments from the property and to prevent and monitor future discharges of pollutants from this area by identifying this as a distinct additional stormwater outfall.
- 9. Describe all changes (include dates, costs, and any subsequent monitoring or inspection reports detailing their effectiveness) to any industrial activity's exposure to storm events or the controls to prevent runoff since January 1, 2009;
- 10. Submit inspection and maintenance records of the Facility's oil-water separators ("OWS"). Describe standard operating procedures for inspection of the OWS, and associated drains and outfalls;
  - a. Provide an estimate of the quantity of oil recovered from each respective OWS at the facility annually; and
  - b. Provide a description of the operation and capabilities of both OWSs at the facility, in particular, during high precipitation events (include in this response a copy of the OWS maintenance and operation manual).

#### **Spill Prevention Control and Countermeasure ("SPCC") Plan**

- 11. A copy of the Facility's revised SPCC plan (signed 12/2/13) was submitted to the EPA along with a cover letter dated December 9, 2013 that provided narrative responses to each item identified on the SPCC Facility Information Form and the Field Inspection Checklist filled out during the September 23, 2013 inspection. The Region has



reviewed the SPCC plan and has indicated areas of deficiency on the SPCC Plan Review Checklist (provided as Attachment 4 to this letter).

- a. Submit copies of all SPCC inspection and monitoring forms from the past 12 months;
  - b. In a letter dated October 13, 2013 from Pan Am, Part X. states that a consistent numbering system for tank identification will be implemented within six months after November 29, 2013. The December 9, 2013 cover letter to the submission of the revised SPCC Plan states that the numbering will be implemented six months after November 26, 2013. Explain the anticipated delay between finalization of the SPCC plan and implementation of this BMP and provide a full discussion of actions being taken or contemplated to minimize or mitigate such delay.
  - c. In the August 19, 2013 response to Question 6 of the of the May 14, 2013 Information Request, Pan Am references section 40 C.F.R. § 112.5(a) in terms of amending the East Deerfield facility's SPCC plan. Provide a date and description of each activity that warranted an amendment to the SPCC plan from January 1, 2009 through the present including but not limited to: commissioning or decommissioning containers, reconstruction replacement or installations of piping systems, construction or demolition that might alter secondary containment structures, changes of product or service, or revision of standard operation or maintenance procedures, and the date of each subsequent amendment.
  - d. If either of the OWSs are to be used as secondary containment for any of the bulk oil storage containers at the facility, provide detailed diagrams of their construction designs and dimensions (cross section included) to demonstrate their capacity to act as adequate sized secondary containment;
  - e. Provide specifications, technical drawings and conveyances for the secondary containment of oil storage containers located at the locomotive fueling rack, oil drip pan collection system at the fueling rack and conveyances from the fueling rack to the most upstream OWS within the collection system; and
  - f. For any general or active containment, provide location of spill kits as well as procedures for implementing the containment.
12. Describe the status of the clean-up and remediation of the oil spills from the 100,000 gallon oil tank which was permanently closed on Sept 30, 2010. Explain what, if any, plans remain to be conducted in terms of closing the underground piping system to this tank and a scheduled date of completion for this work.
13. As part of the 2005 SPCC plan, the following requirement was included in Section 7.0 - Facility Upgrades: The facility should strive to eliminate the practice or reduce the need to drain oil and water from the locomotive spill pans at the fuel island location which then is allowed to gravity drain through the drip/excess slop drains into the grit



chamber. Provide an explanation of how and on when this practice was modified, and what the current practice for draining oil and water from locomotives is.

14. Provide responses to all comments listed on the SPCC Plan Review Checklist included at Attachment 4, not already addressed.



**Attachment No. 2-D**

**Questions relating to the facility located at  
20 Rigby Road, South Portland, ME ("Facility")**

**General Business**

1. Name the businesses that have had day to day operational control over the South Portland facility from January 1, 2009 to the present.
2. Specify who owns or has owned the South Portland facility from January 1, 2009 to the present. If any transfer of ownership has occurred, specify the owner(s) prior to and following the transfer, and the dates of transfer.
3. Specify the primary and secondary standard industrial classification ("SIC") codes for the South Portland facility.

**Stormwater**

4. Provide a copy of the Facility's Stormwater Pollution Prevention Plan ("SWPPP"). State when the original SWPPP was prepared and the dates of all revisions to the SWPPP since January 1, 2009.
  - a. Provide copies of all Notices of Intent ("NOI") submitted to the State with regard to stormwater permitting.
  - b. Provide from January 1, 2009 to the present, the name(s) of each person responsible for the implementation of the SWPPP. This includes, but is not limited to, personnel responsible for conducting storm water inspections, monitoring, maintaining of Best Management Practices ("BMPs") (including but not limited to track mat inspections and replacement), recordkeeping and updating of the SWPPP. For each person listed, please also provide the person's title and responsibilities, period of employment, and whether the individual is/was an employee or contractor;
  - c. Provide a chronological listing of all stormwater inspections and monitoring since January 1, 2009. Submit copies of all reports and findings from these activities;
  - d. Provide all employee stormwater training records and the agenda for the stormwater pollution prevention training from January 1, 2009 to the present. If copies of these records do not exist that include individual attendee signatures and dates, explain why and submit a new training sign-in form to be used by the facility in the future;
  - e. For each stormwater discharge from the facility to a stormwater catchbasin, swale, surface water or wetland, provide a site plan and a narrative description



including any diversion or control structures in place to reduce the stormwater pollutant load;

- i. Include in an updated SWPPP the facility's procedures and BMPs associated with roll-off containers used for spent track mats and other oil debris;
  - ii. On September 20, 2013 inspectors observed erosion along the western banks of the stormwater swale that discharges at Outfall 2. Explain what steps the facility has taken since the inspection to comply with Part V(D)(9)(b) of Maine's 2011 MSGP that requires implementation of structural, vegetative or stabilization BMPs to limit erosion and sediment issues. Include in an updated SWPPP the facility's procedures for these controls; and
  - iii. On September 20, 2013 inspectors observed portions of track mats missing on the areas where locomotives idle. A second section of track behind the office building was identified by inspectors and facility representatives as requiring track mats. Describe what steps have been taken subsequent to the inspection to extend, patch or maintain sections of track mats, including the date each activity was conducted and all associated costs. Provide a revised Standard Operating Procedure for the maintenance and recording keeping of all track mat BMP work.
- f. Provide an updated site plan that includes: property boundaries; fueling stations; vehicle and equipment maintenance areas; vehicle, equipment and material storage areas; fuel transfer areas; areas where treatment, storage or disposal of wastes occur; vehicle washing areas and liquid storage tanks; impervious cover.
  - i. The site plan should include all surface and sub-surface stormwater conveyance structures and their interconnections and flow direction including but not limited to the turn-table and Oil Water Separator (OWS); and
  - ii. The site plan should include any diversion or control structures in place to reduce the stormwater pollutant discharge to surface waters.
5. Describe all changes (include dates, costs, and any subsequent monitoring or inspection reports detailing their effectiveness) to any industrial activity's exposure to storm events or the controls to prevent runoff since January 1, 2009;
6. Submit inspection and maintenance records of the facility's OWS. Paragraph 60(E) of the Administrative Consent Agreement between the MEDEP and Pan Am, signed on February 18, 2010, requires monitoring of the OWS. Submit copies of these inspections and records of the removal of oil from the OWS, including the dates of inspection and oil removal, the quantities of oil removed and the characterization of the oil recovered.



- a. Describe standard operating procedures for inspection, operation and maintenance of the OWS, and associated drains and outfalls. During high precipitation events explain if and how operation of the OWS is altered;
  - b. If the OWS is currently not functioning to its full capacity, describe what part of the system is either non-functional or functioning at lower than its design capacity and include the date each of these issues started; and
  - c. Provide a copy of the OWS manufacturer's information including its capacity and installation date.
7. Provide a narrative description and any written protocols for managing stormwater inflow to the OWS from the detention pond (non-operational turn-table). In the event of an overflow from the detention pond, explain in detail where the water would flow and any controls that would be implemented to prevent an unknown release of stormwater off site. Include in an updated SWPPP, management procedures for the detention pond and any associated pollution prevention scenarios. If the facility does not intend to treat the turn-table as a stormwater BMP, provide a plan to prevent stormwater from passing through the structure before entering the OWS.
8. Submit a statement detailing the actions taken by the facility to clean the oil sheen in the stormwater conveyance sewer system (specifically catch basin 22 located after the OWS) that was observed during the September 21, 2013 EPA inspection. Without a fully operational OWS upstream of this point, the absorbent booms in catchbasin 22 did not appear to be an adequate management practice for preventing a release of oil into South Portland's combined sewer system. Therefore provide an implementation plan and schedule for rehabilitating to manufacturer specifications the existing OWS, or for constructing a new one.
9. In the Status Update of LNAPL Monitoring Activities sent to the MEDEP dated August 16, 2013, Pan Am states in its Conclusion that due to the continued presence of free-phase LNAPL in select monitoring wells at the site, alternative options for LNAPL recovery are being reviewed. Submit documentation supporting all evaluations of alternatives and any correspondence with MEDEP regarding the alternatives and plans for their implementation, including schedules.



**Attachment No. 2-E**

**Questions relating to the Right-of-Way through the property owned by Old Town Fuel and  
Fiber located at  
24 Portland Street, Old Town, ME ("Property")**

1. After the review of email correspondence between Old Town Fuel and Fiber ("OTFF") and Pan Am and inspection documentation made by the MEDEP, the Region understands that Pan Am is responsible for maintaining the ditches and culverts that run parallel to and underneath the railroad right-of-way through the Property. Photographic evidence demonstrates that this maintenance is not being conducted despite several attempts by OTFF to coordinate the work. Provide answers to the following questions regarding this situation:
  - a. Provide a copy of all agreements between Pan Am and OTFF or any other party regarding the right-of-way through the Property (including ownership, use, or maintenance agreements, etc.);
  - b. Explain why the maintenance has not yet been done;
  - c. Describe what actions Pan Am plans to take to maintain the ditches and culverts that run parallel to and underneath the right-of-way and to coordinate with OTFF in the future (and provide documentation of such planned actions if it exists); and
  - d. Describe what actions Pan Am plans to take in the future to enable stormwater maintenance coordination with any property owner or municipality through which its tracks run.

**End of Questions**



**Attachment No. 3**

**Statement of Certification**

I declare under penalty of perjury that I am authorized to respond on behalf of Pan Am Railways, Inc. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)





# U.S. ENVIRONMENTAL PROTECTION AGENCY SPCC FIELD INSPECTION AND PLAN REVIEW CHECKLIST

ONSHORE FACILITIES (EXCLUDING OIL DRILLING, PRODUCTION AND WORKOVER)

## Overview of the Checklist

This checklist is designed to assist EPA inspectors in conducting a thorough and nationally consistent inspection of a facility's compliance with the Spill Prevention, Control, and Countermeasure (SPCC) rule at 40 CFR part 112. It is a required tool to help federal inspectors (or their contractors) record observations for the site inspection and review of the SPCC Plan. While the checklist is meant to be comprehensive, the inspector should always refer to the SPCC rule in its entirety, the SPCC Regional Inspector Guidance Document, and other relevant guidance for evaluating compliance. This checklist must be completed in order for an inspection to count toward an agency measure (i.e., OEM inspection measures or GPRA). The completed checklist and supporting documentation (i.e. photo logs or additional notes) serve as the inspection report.

This checklist addresses requirements for onshore facilities including Tier II Qualified Facilities (excluding facilities involved in oil drilling, production and workover activities) that meet the eligibility criteria set forth in §112.3(g)(2).

Separate standalone checklists address requirements for:

Onshore oil drilling, production, and workover facilities including Tier II Qualified Facilities as defined in §112.3(g)(2);

Offshore drilling, production and workover facilities; and

Tier I Qualified Facilities (for facilities that meet the eligibility criteria defined in §112.3(g)(1))

Qualified facilities must meet the rule requirements in §112.6 and other applicable sections specified in §112.6, except for deviations that provide environmental equivalence and secondary containment impracticability determinations as allowed under §112.6.

The checklist is organized according to the SPCC rule. Each item in the checklist identifies the relevant section and paragraph in 40 CFR part 112 where that requirement is stated.

- Sections 112.1 through 112.5 specify the applicability of the rule and requirements for the preparation, implementation, and amendment of SPCC Plans. For these sections, the checklist includes data fields to be completed, as well as several questions with "yes," "no" or "NA" answers.
- Section 112.6 includes requirements for qualified facilities. These provisions are addressed in Attachment D.
- Section 112.7 includes general requirements that apply to all facilities (unless otherwise excluded).
- Sections 112.8 and 112.12 specify requirements for spill prevention, control, and countermeasures for onshore facilities (excluding production facilities).

The inspector needs to evaluate whether the requirement is addressed adequately or inadequately in the SPCC Plan and whether it is implemented adequately in the field (either by field observation or record review). For the SPCC Plan and implementation in the field, if a requirement is addressed adequately, mark the "Yes" box in the appropriate column. If a requirement is not addressed adequately, mark the "No" box. If a requirement does not apply to the particular facility or the question asked is not appropriate for the facility, mark as "NA". Discrepancies or descriptions of inspector interpretation of "No" vs. "NA" may be documented in the comments box subsequent to each section. If a provision of the rule applies only to the SPCC Plan, the "Field" column is shaded.

Space is provided throughout the checklist to record comments. Additional space is available as Attachment E at the end of the checklist. Comments should remain factual and support the evaluation of compliance.

### Attachments

- Attachment A is for recording information about containers and other locations at the facility that require secondary containment.
- Attachment B is a checklist for documentation of the tests and inspections the facility operator is required to keep with the SPCC Plan.
- Attachment C is a checklist for oil spill contingency plans following 40 CFR 109. Unless a facility has submitted a Facility Response Plan (FRP) under 40 CFR 112.20, a contingency plan following 40 CFR 109 is required if a facility determines that secondary containment is impracticable as provided in 40 CFR 112.7(d). The same requirement for an oil spill contingency plan applies to the owner or operator of a facility with qualified oil-filled operational equipment that chooses to implement alternative requirements instead of general secondary containment requirements as provided in 40 CFR 112.7(k).
- Attachment D is a checklist for Tier II Qualified Facilities.
- Attachment E is for recording additional comments or notes.
- Attachment F is for recording information about photos.

FACILITY INFORMATION			
FACILITY NAME: <b>PanAm Railways - Boston and Maine Railroad Company</b>			
LATITUDE: <b>42 34' 19"</b>	LONGITUDE: <b>72 34'01"</b>	GPS DATUM:	
Section/Township/Range:	FRS#/OIL DATABASE ID: <b>R1-MA-00253</b>	ICIS#: <b>SIC4011</b>	
ADDRESS: <b>38 Railroad Yard Road</b>			
CITY: <b>East Deerfield</b>	STATE: <b>MA</b>	ZIP: <b>01342</b>	COUNTY: <b>Franklin</b>
MAILING ADDRESS (IF DIFFERENT FROM FACILITY ADDRESS - IF NOT, PRINT "SAME"): <b>n/a</b>			
CITY:	STATE:	ZIP:	COUNTY:
TELEPHONE:		FACILITY CONTACT NAME/TITLE:	
OWNER NAME: <b>Pan Am Railways Inc.</b>			
OWNER ADDRESS: <b>CONTACT: Jeff Geroosie, Asst. Track Supervisor</b>			
CITY:	STATE:	ZIP:	COUNTY:
TELEPHONE: <b>413-774-6156</b>	FAX:	EMAIL:	
FACILITY OPERATOR NAME (IF DIFFERENT FROM OWNER - IF NOT, PRINT "SAME"): <b>Dana Banks, Environmental Manager</b>			
OPERATOR ADDRESS: <b>1 Iron Horse Park</b>			
CITY: <b>North Billrica</b>	STATE: <b>MA</b>	ZIP: <b>01862</b>	COUNTY:
TELEPHONE: <b>978-302-6140</b>	OPERATOR CONTACT NAME/TITLE:		
FACILITY TYPE: <b>Railroad Intermodal and Maintenance Facility</b>			NAICS CODE:
HOURS PER DAY FACILITY ATTENDED: <b>24</b>		TOTAL FACILITY CAPACITY: <b>102,960</b>	
TYPE(S) OF OIL STORED: <b>diesel, lube, motor</b>			
LOCATED IN INDIAN COUNTRY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO RESERVATION NAME:			
INSPECTION/PLAN REVIEW INFORMATION			
PLAN REVIEW DATE: <b>12/26/113</b>		REVIEWER NAME: <b>Alex Rosenberg</b>	
INSPECTION DATE: <b>9/23/13</b>		TIME: <b>9:00AM</b>	ACTIVITY ID NO: <b>SPCC-MA-2013-00096</b>
LEAD INSPECTOR: <b>Alex Rosenberg</b>			
OTHER INSPECTOR(S): <b>None</b>			
INSPECTION ACKNOWLEDGMENT			
<i>I performed an SPCC inspection at the facility specified above.</i>			
INSPECTOR SIGNATURE:			DATE:
SUPERVISOR REVIEW/SIGNATURE:			DATE:

**SPCC GENERAL APPLICABILITY—40 CFR 112.1****IS THE FACILITY REGULATED UNDER 40 CFR part 112?**

The completely buried oil storage capacity is over 42,000 U.S. gallons, **OR** the aggregate aboveground oil storage capacity is over 1,320 U.S. gallons **AND**

☒ Yes ☐ No

The facility is a non-transportation-related facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location could reasonably be expected to discharge oil into or upon the navigable waters of the United States

☒ Yes ☐ No

AFFECTED WATERWAY(S): **Connecticut River**

DISTANCE: **0.2 Miles**

**FLOW PATH TO WATERWAY:**

**Through wetlands adjacent to site, via sheet flow or through stormwater outfalls.**

**Note:** The following storage capacity is not considered in determining applicability of SPCC requirements:

- Equipment subject to the authority of the U.S. Department of Transportation, U.S. Department of the Interior, or Minerals Management Service, as defined in Memoranda of Understanding dated November 24, 1971, and November 8, 1993; Tank trucks that return to an otherwise regulated facility that contain only residual amounts of oil (EPA Policy letter)
- Completely buried tanks subject to all the technical requirements of 40 CFR part 280 or a state program approved under 40 CFR part 281;
- Underground oil storage tanks deferred under 40 CFR part 280 that supply emergency diesel generators at a nuclear power generation facility licensed by the Nuclear Regulatory Commission (NRC) and subject to any NRC provision regarding design and quality criteria, including but not limited to CFR part 50;
- Any facility or part thereof used exclusively for wastewater treatment (production, recovery or recycling of oil is not considered wastewater treatment); (This does not include other oil containers located at a wastewater treatment facility, such as generator tanks or transformers)
- Containers smaller than 55 U.S. gallons;
- Permanently closed containers (as defined in §112.2);
- Motive power containers (as defined in §112.2);
- Hot-mix asphalt or any hot-mix asphalt containers;
- Heating oil containers used solely at a single-family residence;
- Pesticide application equipment and related mix containers;
- Any milk and milk product container and associated piping and appurtenances; and
- Intra-facility gathering lines subject to the regulatory requirements of 49 CFR part 192 or 195.

Does the facility have an SPCC Plan?

☐ Yes ☒ No

**FACILITY RESPONSE PLAN (FRP) APPLICABILITY—40 CFR 112.20(f)**

A non-transportation related onshore facility is required to prepare and implement an FRP as outlined in 40 CFR 112.20 if:

- ☐ The facility transfers oil over water to or from vessels and has a total oil storage capacity greater than or equal to 42,000 U.S. gallons, **OR**
- ☐ The facility has a total oil storage capacity of at least 1 million U.S. gallons, **AND** at least one of the following is true:
  - ☐ The facility does not have secondary containment sufficiently large to contain the capacity of the largest aboveground tank plus sufficient freeboard for precipitation.
  - ☐ The facility is located at a distance such that a discharge could cause injury to fish and wildlife and sensitive environments.
  - ☐ The facility is located such that a discharge would shut down a public drinking water intake.
  - ☐ The facility has had a reportable discharge greater than or equal to 10,000 U.S. gallons in the past 5 years.

Facility has FRP: ☐ Yes ☐ No ☒ NA

FRP Number:

Facility has a completed and signed copy of Appendix C, Attachment C-II, "Certification of the Applicability of the Substantial Harm Criteria."

☐ Yes ☐ No

Comments:

**SPCC TIER II QUALIFIED FACILITY APPLICABILITY—40 CFR 112.3(g)(2)**

The aggregate aboveground oil storage capacity is 10,000 U.S. gallons or less **AND**

☐ Yes ☒ No

In the three years prior to the SPCC Plan self-certification date, or since becoming subject to the rule (if the facility has been in operation for less than three years), the facility has **NOT** had:

• A single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons, **OR**

☐ Yes ☒ No

• Two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any twelve-month period<sup>1</sup>

☐ Yes ☒ No

**IF YES TO ALL OF THE ABOVE, THEN THE FACILITY IS A TIER II QUALIFIED FACILITY<sup>2</sup>  
SEE ATTACHMENT D FOR TIER II QUALIFIED FACILITY CHECKLIST**

**REQUIREMENTS FOR PREPARATION AND IMPLEMENTATION OF A SPCC PLAN—40 CFR 112.3**

Date facility began operations: **since 1800s**

Date of initial SPCC Plan preparation: **7/27/05**

Current Plan version (date/number): **11/26/13 (signed 12/2/13)**

**112.3(a) For facilities (except farms), including mobile or portable facilities:**

- In operation on or prior to November 10, 2011: Plan prepared and/or amended and fully implemented by **November 10, 2011**
- Beginning operations after November 10, 2011, Plan prepared and fully implemented before beginning operations

☒ Yes ☐ No ☐ NA

☐ Yes ☐ No ☒ NA

**For farms (as defined in §112.2):**

- In operation on or prior to August 16, 2002: Plan maintained, amended and implemented by **May 10, 2013**
- Beginning operations after August 16, 2002 through May 10, 2013: Plan prepared and fully implemented by **May 10, 2013**
- Beginning operations after May 10, 2013: Plan prepared and fully implemented before beginning operations

☐ Yes ☐ No ☒ NA

☐ Yes ☐ No ☒ NA

☐ Yes ☐ No ☒ NA

**112.3(d) Plan is certified by a registered Professional Engineer (PE) and includes statements that the PE attests:**

- PE is familiar with the requirements of 40 CFR part 112
- PE or agent has visited and examined the facility
- Plan is prepared in accordance with good engineering practice including consideration of applicable industry standards and the requirements of 40 CFR part 112
- Procedures for required inspections and testing have been established
- Plan is adequate for the facility

☒ Yes ☐ No ☐ NA

☒ Yes ☐ No ☐ NA

☒ Yes ☐ No ☐ NA

☒ Yes ☐ No ☐ NA

☐ Yes ☒ No ☐ NA

☐ Yes ☒ No ☐ NA

PE Name: **Alicia Kabir**

License No.: **MA 46671**

State: **MA**

Date of certification: **11/26/13**

**112.3(e)(1)**

Plan is available onsite if attended at least 4 hours per day. If facility is unattended, Plan is available at the nearest field office.  
(Please note nearest field office contact information in comments section below.)

☒ Yes ☐ No ☐ NA

Comments:

**112.3(d) inspection of the grit chamber, oil water separators and the underground piping leading to the WWTP cannot be visually inspected for leaks. Methods for integrity testing these structures must be addressed. (see page 34 of plan)**

<sup>1</sup> Oil discharges that result from natural disasters, acts of war, or terrorism are not included in this determination. The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines not the total amount of oil spilled. The entire volume of the discharge is oil for this determination.

<sup>2</sup> An owner/operator who self-certifies a Tier II SPCC Plan may include environmentally equivalent alternatives and/or secondary containment impracticability determinations when reviewed and certified by a PE.

# **AMENDMENT OF SPCC PLAN BY REGIONAL ADMINISTRATOR (RA)—40 CFR 112.4**

112.4(a),(c)	Has the facility discharged more than 1,000 U.S. gallons of oil in a single reportable discharge or more than 42 U.S. gallons in each of two reportable discharges in any 12-month period? <sup>3</sup>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If YES	<ul style="list-style-type: none"> <li>Was information submitted to the RA as required in §112.4(a)?<sup>4</sup></li> <li>Was information submitted to the appropriate agency or agencies in charge of oil pollution control activities in the State in which the facility is located §112.4(c)</li> <li>Date(s) and volume(s) of reportable discharges(s) under this section:</li> <li>Were the discharges reported to the NRC<sup>5</sup>?</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
112.4(d),(e)	Have changes required by the RA been implemented in the Plan and/or facility?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA

Comments:

# **AMENDMENT OF SPCC PLAN BY THE OWNER OR OPERATOR—40 CFR 112.5**

112.5(a)	Has there been a change at the facility that materially affects the potential for a discharge described in §112.1(b)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If YES	<ul style="list-style-type: none"> <li>Was the Plan amended within six months of the change?</li> <li>Were amendments implemented within six months of any Plan amendment?</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
112.5(b)	Review and evaluation of the Plan completed at least once every 5 years? Following Plan review, was Plan amended within six months to include more effective prevention and control technology that has been field-proven to significantly reduce the likelihood of a discharge described in §112.1(b)? Amendments implemented within six months of any Plan amendment? Five year Plan review and evaluation documented?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
112.5(c)	Professional Engineer certification of any technical Plan amendments in accordance with all applicable requirements of §112.3(d) [Except for self-certified Plans]	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA

Name:

License No.:

State:

Date of certification:

Reason for amendment:

Comments:

<sup>3</sup> A reportable discharge is a discharge as described in §112.1(b) (see 40 CFR part 110). The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines not the total amount of oil spilled. The entire volume of the discharge is oil for this determination.

<sup>4</sup> Triggering this threshold may disqualify the facility from meeting the Qualified Facility criteria if it occurred in the three years prior to self certification

<sup>5</sup> Inspector Note—Confirm any spills identified above were reported to NRC

GENERAL SPCC REQUIREMENTS—40 CFR 112.7		PLAN	FIELD
Management approval at a level of authority to commit the necessary resources to fully implement the Plan <sup>6</sup>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Plan follows sequence of the rule or is an equivalent Plan meeting all applicable rule requirements and includes a cross-reference of provisions		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
If Plan calls for facilities, procedures, methods, or equipment not yet fully operational, details of their installation and start-up are discussed ( <i>Note: Relevant for inspection, evaluation and testing baselines.</i> )		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
112.7(a)(2)	The Plan includes deviations from the requirements of §§112.7(g), (h)(2) and (3), and (i) and applicable subparts B and C of the rule, except the secondary containment requirements in §§112.7(c) and (h)(1), 112.8(c)(2), 112.8(c)(11), 112.12(c)(2), and 112.12(c)(11)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
If YES	<ul style="list-style-type: none"> <li>The Plan states reasons for nonconformance</li> <li>Alternative measures described in detail and provide equivalent environmental protection (<i>Note: Inspector should document if the environmental equivalence is implemented in the field, in accordance with the Plan's description</i>)</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Describe each deviation and reasons for nonconformance:			
Plan does not address the facility upgrades listed in Section 7. (p.34)			

<sup>6</sup> May be part of the Plan or demonstrated elsewhere.  
Onshore Facilities (Excluding Oil Production)

		PLAN	FIELD
112.7(a)(3)	<p>Plan describes physical layout of facility and includes a diagram<sup>7</sup> that identifies:</p> <ul style="list-style-type: none"> <li>Location and contents of all regulated fixed oil storage containers</li> <li>Storage areas where mobile or portable containers are located</li> <li>Completely buried tanks otherwise exempt from the SPCC requirements (marked as "exempt")</li> <li>Transfer stations</li> <li>Connecting pipes, including intra-facility gathering lines that are otherwise exempt from the requirements of this part under §112.1(d)(11)</li> </ul> <p>Plan addresses each of the following:</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
(i)	For each fixed container, type of oil and storage capacity (see Attachment A of this checklist). For mobile or portable containers, type of oil and storage capacity for each container or an estimate of the potential number of mobile or portable containers, the types of oil, and anticipated storage capacities	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
(ii)	Discharge prevention measures, including procedures for routine handling of products (loading, unloading, and facility transfers, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
(iii)	Discharge or drainage controls, such as secondary containment around containers, and other structures, equipment, and procedures for the control of a discharge	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
(iv)	Countermeasures for discharge discovery, response, and cleanup (both facility's and contractor's resources)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
(v)	Methods of disposal of recovered materials in accordance with applicable legal requirements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
(vi)	Contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors with an agreement for response, and all Federal, State, and local agencies who must be contacted in the case of a discharge as described in §112.1(b)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
112.7(a)(4)	<p><b>Does not apply if the facility has submitted an FRP under §112.20:</b></p> <p>Plan includes information and procedures that enable a person reporting an oil discharge as described in §112.1(b) to relate information on the:</p> <ul style="list-style-type: none"> <li>Exact address or location and phone number of the facility;</li> <li>Date and time of the discharge;</li> <li>Type of material discharged;</li> <li>Estimates of the total quantity discharged;</li> <li>Estimates of the quantity discharged as described in §112.1(b);</li> <li>Source of the discharge;</li> <li>Description of all affected media;</li> <li>Cause of the discharge;</li> <li>Damages or injuries caused by the discharge;</li> <li>Actions being used to stop, remove, and mitigate the effects of the discharge;</li> <li>Whether an evacuation may be needed; and</li> <li>Names of individuals and/or organizations who have also been contacted.</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
112.7(a)(5)	<p><b>Does not apply if the facility has submitted a FRP under §112.20:</b></p> <p>Plan organized so that portions describing procedures to be used when a discharge occurs will be readily usable in an emergency</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
112.7(b)	Plan includes a prediction of the direction, rate of flow, and total quantity of oil that could be discharged for each type of major equipment failure where experience indicates a reasonable potential for equipment failure	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
<p>Comments:</p> <p>112.7(a)(3) The facility states that all underground piping conveyances and their interconnections are not yet known, therefore site diagram cannot yet be deemed complete.</p> <p>112.7(a)(3) iii. Table 2 of the Plan describes the secondary containment of the bulk storage containers inside the Tank Farm as 'concrete containment dike with drain to oil/water separator and on-site WWTP'. As EPA understands it, the 'drain' is a locked valve, and therefore the OWS and the WWTP are not part of the tank farms containment system. (see additional comments page)</p>			

<sup>7</sup> Note in comments any discrepancies between the facility diagram, the description of the physical layout of facility, and what is observed in the field

		PLAN	FIELD																								
112.7(c)	<p>Appropriate containment and/or diversionary structures or equipment are provided to prevent a discharge as described in §112.1(b), <b>except as provided in §112.7(k) of this section for certain qualified operational equipment</b>. The entire containment system, including walls and floors, are capable of containing oil and are constructed to prevent escape of a discharge from the containment system before cleanup occurs. The method, design, and capacity for secondary containment address the typical failure mode and the most likely quantity of oil that would be discharged. See Attachment A of this checklist.</p> <p><b>For onshore facilities, one of the following or its equivalent:</b></p> <ul style="list-style-type: none"> <li>Dikes, berms, or retaining walls sufficiently impervious to contain oil;</li> <li>Curbing or drip pans;</li> <li>Sumps and collection systems;</li> <li>Culverting, gutters or other drainage systems;</li> <li>Weirs, booms or other barriers;</li> <li>Spill diversion pond;</li> <li>Retention ponds; or</li> <li>Sorbent materials.</li> </ul> <p>Identify which of the following are present at the facility and if appropriate containment and/or diversionary structures or equipment are provided as described above:</p> <table border="1"> <tr> <td><input checked="" type="checkbox"/> Bulk storage containers</td> <td><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> </tr> <tr> <td><input checked="" type="checkbox"/> Mobile/portable containers</td> <td><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> </tr> <tr> <td><input checked="" type="checkbox"/> Oil-filled operational equipment (as defined in 112.2)</td> <td><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> </tr> <tr> <td><input type="checkbox"/> Other oil-filled equipment (i.e., manufacturing equipment)</td> <td><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> </tr> <tr> <td><input checked="" type="checkbox"/> Piping and related appurtenances</td> <td><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> </tr> <tr> <td><input checked="" type="checkbox"/> Mobile refuelers or non-transportation-related tank cars</td> <td><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> </tr> <tr> <td><input checked="" type="checkbox"/> Transfer areas, equipment and activities</td> <td><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> </tr> <tr> <td><input type="checkbox"/> Identify any other equipment or activities that are not listed above:</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</td> </tr> </table>	<input checked="" type="checkbox"/> Bulk storage containers	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Mobile/portable containers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Oil-filled operational equipment (as defined in 112.2)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Other oil-filled equipment (i.e., manufacturing equipment)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Piping and related appurtenances	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Mobile refuelers or non-transportation-related tank cars	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Transfer areas, equipment and activities	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Identify any other equipment or activities that are not listed above:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA		
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<input type="checkbox"/> Other oil-filled equipment (i.e., manufacturing equipment)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA																									
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<input type="checkbox"/> Identify any other equipment or activities that are not listed above:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA																									
112.7(d)	<p>Secondary containment for one (or more) of the following provisions is determined to be impracticable:</p> <table border="1"> <tr> <td><input checked="" type="checkbox"/> General secondary containment §112.7(c)</td> <td><input checked="" type="checkbox"/> Bulk storage containers §§112.8(c)(2)/112.12(c)(2)</td> </tr> <tr> <td><input type="checkbox"/> Loading/unloading rack §112.7(h)(1)</td> <td><input checked="" type="checkbox"/> Mobile/portable containers §§112.8(c)(11)/112.12(c)(11)</td> </tr> </table>	<input checked="" type="checkbox"/> General secondary containment §112.7(c)	<input checked="" type="checkbox"/> Bulk storage containers §§112.8(c)(2)/112.12(c)(2)	<input type="checkbox"/> Loading/unloading rack §112.7(h)(1)	<input checked="" type="checkbox"/> Mobile/portable containers §§112.8(c)(11)/112.12(c)(11)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																					
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<input type="checkbox"/> Loading/unloading rack §112.7(h)(1)	<input checked="" type="checkbox"/> Mobile/portable containers §§112.8(c)(11)/112.12(c)(11)																										
If YES	<ul style="list-style-type: none"> <li>The impracticability of secondary containment is clearly demonstrated and described in the Plan</li> <li>For bulk storage containers,<sup>8</sup> periodic integrity testing of containers and integrity and leak testing of the associated valves and piping is conducted</li> </ul> <p><i>(Does not apply if the facility has submitted a FRP under §112.20):</i></p> <ul style="list-style-type: none"> <li>Contingency Plan following the provisions of 40 CFR part 109 is provided (see Attachment C of this checklist) <b>AND</b></li> <li>Written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA																								
<p>Comments:</p> <p>112.7(c) Mobile refuelers and some AST located inside the engine house rely on the OWS and WWTP as their primary means of secondary containment. No discussion in plan about the capacity of the OWS and what its design flows are. Also, plan mentions that detergents can co-mingle with flows to OWS thereby decreasing the ability of the OWS to act as containment.</p> <p>112.7(d) Without knowing how ALL underground conveyances are linked, it is impractical to rely on a spill that enters a catchbasin to then enter the OWS and eventually the WWTP.</p>																											

<sup>8</sup> These additional requirements apply only to bulk storage containers, when an impracticability determination has been made by the PE

		PLAN	FIELD
112.7(e)	Inspections and tests conducted in accordance with written procedures Record of inspections or tests signed by supervisor or inspector Kept with Plan for at least 3 years (see Attachment B of this checklist) <sup>9</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
112.7(f)	Personnel, training, and oil discharge prevention procedures		
(1)	Training of oil-handling personnel in operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and contents of SPCC Plan	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(2)	Person designated as accountable for discharge prevention at the facility and reports to facility management	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(3)	Discharge prevention briefings conducted at least once a year for oil handling personnel to assure adequate understanding of the Plan. Briefings highlight and describe known discharges as described in §112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
112.7(g)	Plan describes how to: <ul style="list-style-type: none"> <li>Secure and control access to the oil handling, processing and storage areas;</li> <li>Secure master flow and drain valves;</li> <li>Prevent unauthorized access to starter controls on oil pumps;</li> <li>Secure out-of-service and loading/unloading connections of oil pipelines; and</li> <li>Address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges.</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
112.7(h)	Tank car and tank truck loading/unloading rack <sup>10</sup> is present at the facility	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	<i>Loading/unloading rack means a fixed structure (such as a platform, gangway) necessary for loading or unloading a tank truck or tank car, which is located at a facility subject to the requirements of this part. A loading/unloading rack includes a loading or unloading arm, and may include any combination of the following: piping assemblages, valves, pumps, shut-off devices, overfill sensors, or personnel safety devices.</i>		
If YES (1)	Does loading/unloading rack drainage flow to catchment basin or treatment facility designed to handle discharges or use a quick drainage system?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	Containment system holds at least the maximum capacity of the largest single compartment of a tank car/truck loaded/unloaded at the facility	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(2)	An interlocked warning light or physical barriers, warning signs, wheel chocks, or vehicle brake interlock system in the area adjacent to the loading or unloading rack to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(3)	Lower-most drains and all outlets on tank cars/trucks inspected prior to filling/departure, and, if necessary ensure that they are tightened, adjusted, or replaced to prevent liquid discharge while in transit	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Comments: 112.7(e) undetermined, inspection records were not submitted with plan revision. 112.7(f)(2) Facility states in the cover letter to the submittal of the revised Plan that the District Environmental Manager position has been lost. Section 3.2.1 states that this position is the responsible party for implementation of the SPCC Plan. Until further notice is given that this section is amended, or that the Facility has hired a new District Environmental Manager, the Plan is deemed inadequate. 112.7(f)(3) not mentioned, therefore unknown.			

<sup>9</sup> Records of inspections and tests kept under usual and customary business practices will suffice

<sup>10</sup> Note that a tank car/truck loading/unloading rack must be present for §112.7(h) to apply

		PLAN	FIELD
112.7(i)	Brittle fracture evaluation of field-constructed aboveground containers is conducted after tank repair, alteration, reconstruction, or change in service that might affect the risk of a discharge or after a discharge/failure due to brittle fracture or other catastrophe, and appropriate action taken as necessary (applies to only field-constructed aboveground containers)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
112.7(j)	Discussion of conformance with applicable more stringent State rules, regulations, and guidelines and other effective discharge prevention and containment procedures listed in 40 CFR part 112	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
112.7(k)	<p>Qualified oil-filled operational equipment is present at the facility<sup>11</sup> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Oil-filled operational equipment</i> means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (e.g., those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.</p> <p>If YES Check which apply:</p> <p>Secondary Containment provided in accordance with 112.7(c) <input type="checkbox"/></p> <p>Alternative measure described below (confirm eligibility) <input type="checkbox"/></p>		
112.7(k)	<p>Qualified Oil-Filled Operational Equipment</p> <ul style="list-style-type: none"> <li>Has a single reportable discharge as described in §112.1(b) from any oil-filled operational equipment exceeding 1,000 U.S. gallons occurred within the three years prior to Plan certification date? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA</li> <li>Have two reportable discharges as described in §112.1(b) from any oil-filled operational equipment each exceeding 42 U.S. gallons occurred within any 12-month period within the three years prior to Plan certification date?<sup>12</sup> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA</li> </ul>		
	<p>YES</p> <ul style="list-style-type: none"> <li>Facility procedure for inspections or monitoring program to detect equipment failure and/or a discharge is established and documented <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</li> </ul> <p><b>Does not apply if the facility has submitted a FRP under §112.20:</b></p> <ul style="list-style-type: none"> <li>Contingency plan following 40 CFR part 109 (see Attachment C of this checklist) is provided in Plan <u>AND</u> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</li> <li>Written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful is provided in Plan <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</li> </ul>		
<p>Comments:</p> <p>112.k no mention of alternative measure of containment for pole-mounted transformers.</p>			

<sup>11</sup> This provision does not apply to oil-filled manufacturing equipment (flow-through process)

<sup>12</sup> Oil discharges that result from natural disasters, acts of war, or terrorism are not included in this determination. The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines not the total amount of oil spilled. The entire volume of the discharge is oil for this determination.

**ONSHORE FACILITIES (EXCLUDING PRODUCTION)**  
40 CFR 112.8/112.12

PLAN

FIELD

**112.8(b)/ 112.12(b) Facility Drainage**

Diked Areas (1)	Drainage from diked storage areas is: • Restrained by valves, except where facility systems are designed to control such discharge, <b>OR</b> • Manually activated pumps or ejectors are used and the condition of the accumulation is inspected prior to draining dike to ensure no oil will be discharged	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(2)	Diked storage area drain valves are manual, open-and-closed design (not flapper-type drain valves) If drainage is released directly to a watercourse and not into an onsite wastewater treatment plant, retained storm water is inspected and discharged per §§112.8(c)(3)(ii), (iii), and (iv) or §§112.12(c)(3)(ii), (iii), and (iv).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Undiked Areas (3)	Drainage from undiked areas with a potential for discharge designed to flow into ponds, lagoons, or catchment basins to retain oil or return it to facility. Catchment basin located away from flood areas. <sup>13</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(4)	If facility drainage not engineered as in (b)(3) (i.e., drainage flows into ponds, lagoons, or catchment basins) then the facility is equipped with a diversion system to retain oil in the facility in the event of an uncontrolled discharge. <sup>14</sup>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(5)  If YES	Are facility drainage waters continuously treated in more than one treatment unit and pump transfer is needed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	• Two "lift" pumps available and at least one permanently installed • Facility drainage systems engineered to prevent a discharge as described in §112.1(b) in the case of equipment failure or human error	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

**Comments:**

112.8(b) drainage from inside the engine house flows directly to the OWS and is therefore without a drain valve.  
 112.8(4) Fuel island lubrication or fueling and work outside the Engine house and Work Equipment building indicate that spills would migrate to the nearest stormwater catch basin and then to the on-site OWS and WWTP. The fact that the underground conveyances are not yet fully understood by the Facility makes this form of containment unacceptable.

**112.8(c)/112.12(c) Bulk Storage Containers**

☐ NA

*Bulk storage container means any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.*

*If bulk storage containers are not present, mark this section Not Applicable (NA). If present, complete this section and Attachment A of this checklist.*

(1)	Containers materials and construction are compatible with material stored and conditions of storage such as pressure and temperature	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(2)	Except for mobile refuelers and other non-transportation-related tank trucks, construct all bulk storage tank installations with secondary containment to hold capacity of largest container and sufficient freeboard for precipitation	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	Diked areas sufficiently impervious to contain discharged oil <b>OR</b> Alternatively, any discharge to a drainage trench system will be safely confined in a facility catchment basin or holding pond	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

<sup>13</sup> Oil discharges that result from natural disasters, acts of war, or terrorism are not included in this determination. The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines not the total amount of oil spilled. The entire volume of the discharge is oil for this determination.

<sup>14</sup> These provisions apply only when a facility drainage system is used for containment; otherwise mark NA

		PLAN	FIELD
(3)	Is there drainage of uncontaminated rainwater from diked areas into a storm drain or open watercourse?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
If YES	• Bypass valve normally sealed closed	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	• Retained rainwater is inspected to ensure that its presence will not cause a discharge as described in §112.1(b)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	• Bypass valve opened and resealed under responsible supervision	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	• Adequate records of drainage are kept; for example, records required under permits issued in accordance with 40 CFR §§122.41(j)(2) and (m)(3)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(4)	For completely buried metallic tanks installed on or after January 10, 1974 (if not exempt from SPCC regulation because subject to all of the technical requirements of 40 CFR part 280 or 281):		
	• Provide corrosion protection with coatings or cathodic protection compatible with local soil conditions	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	• Regular leak testing conducted	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(5)	The buried section of partially buried or bunkered metallic tanks protected from corrosion with coatings or cathodic protection compatible with local soil conditions	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(6)	• Test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. Techniques include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other system of non-destructive testing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	• Appropriate qualifications for personnel performing tests and inspections are identified in the Plan and have been assessed in accordance with industry standards	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	• The frequency and type of testing and inspections are documented, are in accordance with industry standards and take into account the container size, configuration and design	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	• Comparison records of aboveground container integrity testing are maintained	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	• Container supports and foundations regularly inspected	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	• Outside of containers frequently inspected for signs of deterioration, discharges, or accumulation of oil inside diked areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	• Records of all inspections and tests maintained <sup>15</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Integrity Testing Standard identified in the Plan:			
112.8(c)(8) Qualifications of personnel conducting integrity testing is not identified in section 3.8 of the Plan. No prior records were submitted with the plan therefore a determination of their comparison is unable to be made.			
112.12 (c)(6)(ii) (Applies to AFVO Facilities only)	Conduct formal visual inspection on a regular schedule for bulk storage containers that meet all of the following conditions:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	• Subject to 21 CFR part 110; • Elevated; • Constructed of austenitic stainless steel; • Have no external insulation; and • Shop-fabricated.		
	In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
	You must determine and document in the Plan the appropriate qualifications for personnel performing tests and inspections.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

<sup>15</sup> Records of inspections and tests kept under usual and customary business practices will suffice  
Onshore Facilities (Excluding Oil Production)

		PLAN	FIELD
(7)	<b>Leakage through defective internal heating coils controlled:</b> <ul style="list-style-type: none"> <li>Steam returns and exhaust lines from internal heating coils that discharge into an open watercourse are monitored for contamination, <u>OR</u></li> <li>Steam returns and exhaust lines pass through a settling tank, skimmer, or other separation or retention system</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(8)	Each container is equipped with at least one of the following for liquid level sensing: <ul style="list-style-type: none"> <li>High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station, or audible air vent in smaller facilities;</li> <li>High liquid level pump cutoff devices set to stop flow at a predetermined container content level;</li> <li>Direct audible or code signal communication between container gauger and pumping station;</li> <li>Fast response system for determining liquid level (such as digital computers, telepulse, or direct vision gauges) and a person present to monitor gauges and overall filling of bulk containers; or</li> <li>Regularly test liquid level sensing devices to ensure proper operation.</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(9)	Effluent treatment facilities observed frequently enough to detect possible system upsets that could cause a discharge as described in §112.1(b)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(10)	Visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts are promptly corrected and oil in diked areas is promptly removed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(11)	Mobile or portable containers positioned to prevent a discharge as described in §112.1(b). Mobile or portable containers (excluding mobile refuelers and other non-transportation-related tank trucks) have secondary containment with sufficient capacity to contain the largest single compartment or container and sufficient freeboard to contain precipitation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<b>112.8(d)/112.12(d) Facility transfer operations, pumping, and facility process</b>			
(1)	Buried piping installed or replaced on or after August 16, 2002 has protective wrapping or coating Buried piping installed or replaced on or after August 16, 2002 is also cathodically protected or otherwise satisfies corrosion protection standards for piping in 40 CFR part 280 or 281 Buried piping exposed for any reason is inspected for deterioration; corrosion damage is examined; and corrective action is taken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(2)	Piping terminal connection at the transfer point is marked as to origin and capped or blank-flanged when not in service or in standby service for an extended time	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(3)	Pipe supports are properly designed to minimize abrasion and corrosion and allow for expansion and contraction	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(4)	Aboveground valves, piping, and appurtenances such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces are inspected regularly to assess their general condition Integrity and leak testing conducted on buried piping at time of installation, modification, construction, relocation, or replacement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(5)	Vehicles warned so that no vehicle endangers aboveground piping and other oil transfer operations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Comments:</b> 112.8(c)(2) OWS capacity may not contain the capacity of largest bulk oil container that flows to it, especially if considered during a large rain event with high flows. 112.12(c)(6)ii Neither Section 3.7 nor the inspection forms (i.e. Form 3) describes the required qualifications for the personnel who will conduct the inspections.			

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## Documentation of Field Observations for Containers and Associated Requirements

## Containers and Piping

**Check all piping for:** droplets of stored material, discoloration, corrosion, bowing of pipe between supports, evidence of stored material seepage from valves or seals, evidence of leaks, and localized dead vegetation. For all aboveground piping, include the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, bleeder and gauge valves, and other such items (Document in comments section of §112.8(d) or 112.12(d).)

**Check active measures (countermeasures) for:** amount indicated in plan is available and appropriate; deployment procedures are realistic; material is located so that they are readily available; efficacy of discharge detection; availability of personnel and training, appropriateness of measures to prevent a discharge as described in §112.1(b).

[illegible]

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## Documentation of Field Observations for Containers and Associated Requirements

<sup>17</sup> Identify each tank with either an A to indicate aboveground or B for completely buried

# ATTACHMENT B: SPCC INSPECTION AND TESTING CHECKLIST

## Required Documentation of Tests and Inspections

Records of inspections and tests required by 40 CFR part 112 signed by the appropriate supervisor or inspector must be kept by all facilities with the SPCC Plan for a period of three years. Records of inspections and tests conducted under usual and customary business practices will suffice. Documentation of the following inspections and tests should be kept with the SPCC Plan.

Inspection or Test		Documentation		Not Applicable
		Present	Not Present	
112.7-General SPCC Requirements				
(d)	Integrity testing for bulk storage containers with no secondary containment system and for which an impracticability determination has been made	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)	Integrity and leak testing of valves and piping associated with bulk storage containers with no secondary containment system and for which an impracticability determination has been made	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(h)(3)	Inspection of lowermost drain and all outlets of tank car or tank truck prior to filling and departure from loading/unloading rack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i)	Evaluation of field-constructed aboveground containers for potential for brittle fracture or other catastrophic failure when the container undergoes a repair, alteration, reconstruction or change in service or has discharged oil or failed due to brittle fracture failure or other catastrophe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k(2)(i)	Inspection or monitoring of qualified oil-filled operational equipment when the equipment meets the qualification criteria in §112.7(k)(1) and facility owner/operator chooses to implement the alternative requirements in §112.7(k)(2) that include an inspection or monitoring program to detect oil-filled operational equipment failure and discharges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
112.8/112.12-Onshore Facilities (excluding oil production facilities)				
(b)(1), (b)(2)	Inspection of storm water released from diked areas into facility drainage directly to a watercourse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)(3)	Inspection of rainwater released directly from diked containment areas to a storm drain or open watercourse before release, open and release bypass valve under supervision, and records of drainage events	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)(4)	Regular leak testing of completely buried metallic storage tanks installed on or after January 10, 1974 and regulated under 40 CFR 112	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)(6)	Regular integrity testing of aboveground containers and integrity testing after material repairs, including comparison records	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)(6), (c)(10)	Regular visual inspections of the outsides of aboveground containers, supports and foundations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)(6)	Frequent inspections of diked areas for accumulations of oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)(8)(v)	Regular testing of liquid level sensing devices to ensure proper operation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)(9)	Frequent observations of effluent treatment facilities to detect possible system upsets that could cause a discharge as described in §112.1(b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)(1)	Inspection of buried piping for damage when piping is exposed and additional examination of corrosion damage and corrective action, if present	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)(4)	Regular inspections of aboveground valves, piping and appurtenances and assessments of the general condition of flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)(4)	Integrity and leak testing of buried piping at time of installation, modification, construction, relocation or replacement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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# ATTACHMENT C: SPCC CONTINGENCY PLAN REVIEW CHECKLIST

☒ NA

40 CFR Part 109—Criteria for State, Local and Regional Oil Removal Contingency Plans

If SPCC Plan includes an impracticability determination for secondary containment in accordance with §112.7(d), the facility owner/operator is required to provide an oil spill contingency plan following 40 CFR part 109, unless he or she has submitted a FRP under §112.20. An oil spill contingency plan may also be developed, unless the facility owner/operator has submitted a FRP under §112.20 as one of the required alternatives to general secondary containment for qualified oil filled operational equipment in accordance with §112.7(k).

109.5—Development and Implementation criteria for State, local and regional oil removal contingency plans <sup>18</sup>		Yes	No
(a)	Definition of the authorities, responsibilities and duties of all persons, organizations or agencies which are to be involved in planning or directing oil removal operations.	<input type="checkbox"/>	<input type="checkbox"/>
(b)	Establishment of notification procedures for the purpose of early detection and timely notification of an oil discharge including:	<input type="checkbox"/>	<input type="checkbox"/>
(1)	The identification of critical water use areas to facilitate the reporting of and response to oil discharges.	<input type="checkbox"/>	<input type="checkbox"/>
(2)	A current list of names, telephone numbers and addresses of the responsible persons (with alternates) and organizations to be notified when an oil discharge is discovered.	<input type="checkbox"/>	<input type="checkbox"/>
(3)	Provisions for access to a reliable communications system for timely notification of an oil discharge, and the capability of interconnection with the communications systems established under related oil removal contingency plans, particularly State and National plans (e.g., National Contingency Plan (NCP)).	<input type="checkbox"/>	<input type="checkbox"/>
(4)	An established, prearranged procedure for requesting assistance during a major disaster or when the situation exceeds the response capability of the State, local or regional authority.	<input type="checkbox"/>	<input type="checkbox"/>
(c)	Provisions to assure that full resource capability is known and can be committed during an oil discharge situation including:	<input type="checkbox"/>	<input type="checkbox"/>
(1)	The identification and inventory of applicable equipment, materials and supplies which are available locally and regionally.	<input type="checkbox"/>	<input type="checkbox"/>
(2)	An estimate of the equipment, materials and supplies that would be required to remove the maximum oil discharge to be anticipated.	<input type="checkbox"/>	<input type="checkbox"/>
(3)	Development of agreements and arrangements in advance of an oil discharge for the acquisition of equipment, materials and supplies to be used in responding to such a discharge.	<input type="checkbox"/>	<input type="checkbox"/>
(d)	Provisions for well-defined and specific actions to be taken after discovery and notification of an oil discharge including:	<input type="checkbox"/>	<input type="checkbox"/>
(1)	Specification of an oil discharge response operating team consisting of trained, prepared and available operating personnel.	<input type="checkbox"/>	<input type="checkbox"/>
(2)	Pre-designation of a properly qualified oil discharge response coordinator who is charged with the responsibility and delegated commensurate authority for directing and coordinating response operations and who knows how to request assistance from Federal authorities operating under existing national and regional contingency plans.	<input type="checkbox"/>	<input type="checkbox"/>
(3)	A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.	<input type="checkbox"/>	<input type="checkbox"/>
(4)	Provisions for varying degrees of response effort depending on the severity of the oil discharge.	<input type="checkbox"/>	<input type="checkbox"/>
(5)	Specification of the order of priority in which the various water uses are to be protected where more than one water use may be adversely affected as a result of an oil discharge and where response operations may not be adequate to protect all uses.	<input type="checkbox"/>	<input type="checkbox"/>
(e)	Specific and well defined procedures to facilitate recovery of damages and enforcement measures as provided for by State and local statutes and ordinances.	<input type="checkbox"/>	<input type="checkbox"/>

<sup>18</sup> The contingency plan should be consistent with all applicable state and local plans, Area Contingency Plans, and the NCP.

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# ATTACHMENT D: TIER II QUALIFIED FACILITY CHECKLIST

☒ NA

## TIER II QUALIFIED FACILITY PLAN REQUIREMENTS — 40 CFR 112.6(b)

112.6(b)(1)	<b>Plan Certification:</b> Owner/operator certified in the Plan that: (i) He or she is familiar with the requirements of 40 CFR part 112 (ii) He or she has visited and examined the facility <sup>19</sup> (iii) The Plan has been prepared in accordance with accepted and sound industry practices and standards and with the requirements of this part (iv) Procedures for required inspections and testing have been established (v) He or she will fully implement the Plan (vi) The facility meets the qualification criteria set forth under §112.3(g)(2) (vii) The Plan does not deviate from any requirements as allowed by §§112.7(a)(2) and 112.7(d), except as described under §112.6(b)(3)(i) or (ii) (viii) The Plan and individual(s) responsible for implementing the Plan have the full approval of management and the facility owner or operator has committed the necessary resources to fully implement the Plan.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
112.6(b)(2)	<b>Technical Amendments:</b> The owner/operator self-certified the Plan's technical amendments for a change in facility design, construction, operation, or maintenance that affected potential for a §112.1(b) discharge	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
If YES	<ul style="list-style-type: none"> <li>• Certification of technical amendments is in accordance with the self-certification provisions of §112.6(b)(1).</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
If YES	(i) A PE certified a portion of the Plan (i.e., Plan is informally referred to as a hybrid Plan) <ul style="list-style-type: none"> <li>• The PE also certified technical amendments that affect the PE certified portion of the Plan as required under §112.6(b)(4)(ii)</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
If YES	(ii) The aggregate aboveground oil storage capacity increased to more than 10,000 U.S. gallons as a result of the change	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
The owner/operator prepared and implemented a Plan within 6 months following the change and had it certified by a PE under §112.3(d)		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
112.6(b)(3)	<b>Plan Deviations:</b> Does the Plan include environmentally equivalent alternative methods or impracticability determinations for secondary containment?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
If YES	Identify the alternatives in the hybrid Plan: <ul style="list-style-type: none"> <li>• Environmental equivalent alternative method(s) allowed under §112.7(a)(2);</li> <li>• Impracticability determination under §112.7(d)</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
112.6(b)(4)	<ul style="list-style-type: none"> <li>• For each environmentally equivalent measure, the Plan is accompanied by a written statement by the PE that describes: the reason for nonconformance, the alternative measure, and how it offers equivalent environmental protection in accordance with §112.7(a)(2);</li> <li>• For each secondary containment impracticability determination, the Plan explains the reason for the impracticability determination and provides the alternative measures to secondary containment required in §112.7(d)</li> </ul> <b>AND</b> (i) PE certifies in the Plan that: (A) He/she is familiar with the requirements of 40 CFR Part 112 (B) He/she or a representative agent has visited and examined the facility (C) The alternative method of environmental equivalence in accordance with §112.7(a)(2) or the determination of impracticability and alternative measures in accordance with §112.7(d) is consistent with good engineering practice, including consideration of applicable industry standards, and with the requirements of 40 CFR Part 112.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Comments:		

<sup>19</sup> Note that only the person certifying the Plan can make the site visit

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## ATTACHMENT E: ADDITIONAL COMMENTS

112.7(a)(3) iii. no agreement between the facility and an emergency spill contractor is provided in the plan

112.7(1)(5) The immediate actions in case of an emergency are not easily found inside the Plan. Table 4, the Action Call List is in the middle of an appendix;

ATTACHMENT E: ADDITIONAL COMMENTS (CONT.)

ATTACHMENT F: PHOTO DOCUMENTATION NOTES

[illegible]

## ATTACHMENT F: PHOTO DOCUMENTATION NOTES (CONT.)

[illegible]